

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Jose Francisco Martinez BARRIOS

Case No. 2:23-mj-380

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 22, 2023 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

Code Section

United States Code § 846 and Title
 21, U.S.C. § 841 (a) (1) and (b)(1)
 (C) and 21 U.S.C § 846.

Offense Description

Conspiracy to possess with intent to distribute 40 grams or more of a mixture
 and a substance containing a detectable amount of Fentanyl.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Jeffrey A. Kirschweng
 Complainant's signature

Jeffrey Kirschweng, DEA Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/21/2023City and state: Columbus, Ohio

Chelsey M. Vascara
 Chelsey M. Vascara
 United States Magistrate Judge

Judge's signature

Chelsey M. Vascara, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Jeffery A. Kirschweng, having been duly sworn, state the following:

INTRODUCTION

1. I am a Special Agent of the Drug Enforcement Administration (DEA), assigned to the Detroit Field Division, Columbus District Office (CDO). As such, I am an “investigative or law enforcement officer” of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516(1).

2. As a DEA Special Agent, Your Affiant has participated in numerous narcotics investigations involving various types of controlled substances. I have received substantive advanced training pertaining to the investigation of various crimes which arise from narcotics trafficking, including money laundering, the use of interstate transportation in the furtherance of narcotics trafficking, the use of the United States Postal Service facilities in furtherance of narcotics trafficking, and the use of telecommunications facilities in the furtherance of narcotics trafficking. I have participated in investigations involving the purchase of controlled substances from suspected narcotics traffickers using both undercover narcotics investigators and confidential sources. I have participated in the drafting and execution of search warrants for narcotics, proceeds from the sale of narcotics, documentary evidence of narcotics trafficking, and for the telecommunications devices used by narcotics traffickers. I have conducted surveillance in connection with narcotics investigations.

3. Through the course of these investigations, I have personally interviewed confidential sources and other persons involved in the distribution of illegal narcotics. I have also interviewed persons arrested for the distribution of illegal narcotics. I have spoken with more experienced narcotics investigators with whom I have worked concerning the practices of narcotics traffickers and the best investigative methods to use when conducting investigations of narcotics trafficking organizations. Through the course of my investigations and through my conversations with more experienced narcotics investigators, I have become familiar with the methods and means utilized by persons who participate in the illegal distribution of controlled substances.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other investigators and witnesses. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PURPOSE OF AFFIDAVIT

5. This affidavit is made in support of an application for a federal arrest warrant and criminal complaint against Jose Francisco Martinez-BARRIOS and Donaldo Michel Rosales PINEDO for conspiracy to possess with intent to distribute a mixture or substance containing a detectable amount of Fentanyl, a schedule II-controlled substance, in violation of Title 21, U.S.C. § 841 (a) (1) and (b)(1)(C) and 21 U.S.C § 846.

6. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other investigators and witnesses knowledgeable of the facts and circumstances involved in this investigation. I have not included in this Affidavit all the facts known to me, but only that information sufficient to establish probable cause to believe that Jose

Francisco Martinez-BARRIOS and Donaldo Michel Rosales PINEDO committed a violation of Title 21, U.S.C. § 841 (a) (1) and (b)(1)(C) and 21 U.S.C § 846.

SUMMARY OF PROBABLE CAUSE

7. In or about April 2023, investigators assigned to the DEA's Newark Field Division asked investigators assigned to the DEA's Columbus District Office to assist them with an ongoing money laundering investigation. Investigators in New Jersey requested the Columbus DEA provide an undercover investigator to meet with an unidentified money courier and take delivery of approximately \$50,000 in drug proceeds. At the meet location, a Hispanic male exited a red Nissan Altima, provided the money to the undercover investigator, and returned to the vehicle which had one other occupant. Following the money pick-up, DEA investigators surveilled the two Hispanic males as they drove away in the red Nissan Altima. Constant surveillance was maintained on the Altima as it travelled from the meet location to 796 E 4th Ave, Columbus, OH 43201.

8. In or about May 2023, your Affiant was engaged in the investigation of a separate DTO in the Columbus, Ohio area. On or about May 3, 2023, a controlled buy of two ounces of fentanyl was arranged with a confidential source (CS) and one of the members of the DTO who was unidentified (hereinafter "UM") at the time. The CS arranged the transaction to occur in the area of 3424 S. High St, Columbus, Ohio, and was told by the UM two ounces of fentanyl would be \$2,700.00. The CS was accompanied by your Affiant, acting in an undercover capacity, to the prearranged meeting location and was observed getting into the rear passenger seat of UM's vehicle. According to the CS, the CS provided UM the \$2,700.00 of DEA funds, received the suspected fentanyl and exited the vehicle. UM was observed by your Affiant leaving the location in a white Honda Accord bearing Ohio license plate JVS 7793. UM was observed via physical surveillance returning to the 796 E 4th Ave, Columbus, OH 43201

by DEA investigators. This CS has in the past provided law enforcement with information which was later corroborated through independent investigation. This CS is considered reliable.

9. On or about June 21, 2023, Columbus DEA investigators identified two male individuals arrive at the 796 E 4th Ave, Columbus, OH 43201 in a red Nissan Altima via electronic surveillance. Utilizing electronic surveillance on June 21, 2023, investigators were also able to observe an unidentified male exit the rear of the 796 E 4th Ave, Columbus, OH 43201 carrying two separate bags. The individual entered the garage at the 796 E 4th Ave, Columbus, OH 43201 with the bag in hand. Approximately five minutes later, he was seen exiting the garage in the red Nissan Altima. DEA investigators then proceeded to the corner of High and Rumsey, an area where the DTO has been observed conducting prior drug transactions. DEA Investigators observed the red Nissan Altima at the location and a Hispanic male operating the vehicle.

10. Investigators then observed the Altima travel 71 Northbound to 70 Eastbound until Ohio State Highway Patrol (OSHP) conducted a traffic stop for window tint and following too close violations. The driver of the red Altima was then identified as Donaldo Michel Rosales PINEDO. Trooper Michael Rucker conducted a free air sniff with his K-9, who provided a positive alert to the presence of narcotics or controlled substance. Multiple individual baggies of a white and purple powdery substance of suspected fentanyl weighing approximately 439.9 gross grams were located in the vehicle along with approximately 112.3 gross grams of suspected heroin concealed in hollowed-out cans of soup and iced tea were found inside the bags viewed leaving the 796 E 4th Ave, Columbus, OH 43201 through electronic surveillance. The bags taken from the 796 E 4th Ave, Columbus, OH 43201 were found on the rear floorboards. PINEDO was taken into custody.

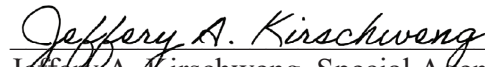
11. Physical surveillance was maintained on 796 E 4th Ave, Columbus, OH 43201 during the duration of the traffic stop by DEA investigators. Approximately 10 minutes after the stop of PINEDO,

a Hispanic male later identified as Jose Francisco Martinez-BARRIOS left 796 E 4th Ave, Columbus, OH 43201 carrying a black bag. BARRIOS was observed driving a Chevrolet Malibu bearing Ohio license plate KAU8483. As the vehicle turned into a parking lot at the corner of Cleveland and E 5th Avenue, Trooper Michael Rucker conducted a traffic stop for window tint violation. Once the Malibu came to a stop, BARRIOS exited the seat of the vehicle quickly in what appeared to be an attempt to separate himself from the vehicle. Trooper Rucker conducted a free air sniff of the vehicle with his K9, who provided a positive alert to narcotics or other controlled substances. Trooper Rucker was able to locate bulk United States Currency (USC) estimated to be tens of thousands of dollars, approximately ten cellular phones, a detailed ledger, and a black tar substance of suspected heroin in the black bag BARRIOS had been observed carrying from 796 E 4th Ave, Columbus, OH 43201. BARRIOS was taken into custody.

12. On June 21, 2023, investigators executed a federal search warrant at 798 E 4th Ave, Columbus, OH, the location suspected to be a drug stash house based upon agents' observations. Pursuant to this warrant investigators seized approximately 937.7 gross grams of suspected heroin, approximately 2087.5 gross grams of suspected fentanyl, and 89.8 gross grams of field-tested positive methamphetamine. Most of the suspected narcotics recovered were packaged for individual sale. Agents also recovered a ledger, small pill press and respirators, items commonly used by drug traffickers.

CONCLUSION

13. Based upon the foregoing, your Affiant believes there is probable cause that Jose Francisco Martinez-BARRIOS and Donaldo Michel Rosales PINEDO did knowingly and intentionally conspire to possess with intent to distribute a mixture or substance containing a detectable amount of Fentanyl, a schedule II-controlled substance, in violation of Title 21, U.S.C. § 841 (a) (1) and (b)(1)(C) and 21 U.S.C § 846.


Jeffery A. Kirschweng, Special Agent
Drug Enforcement Administration

SUBSCRIBED and SWORN to before me this 22st day of June, 2023.



CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE